

1 SB421
2 138596-2
3 By Senators Brooks, Figures, Glover and Waggoner
4 RFD: Judiciary
5 First Read: 15-MAR-12

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, to be licensed as a
9 physician in Alabama, an individual must graduate
10 from a medical school and receive additional
11 training and education in a program known as
12 residency training, and those individuals are not
13 immune from civil liability as a result of their
14 acts or omissions arising out of and in the course
15 of working in a residency training program
16 associated with the academic medical centers of the
17 University of South Alabama or the Board of
18 Trustees of the University of Alabama.

19 This bill would provide that a graduate of
20 medical school shall not be civilly liable to any
21 person for damages as a result of any action taken
22 or recommendation made within the scope of his or
23 her function when working in residency training
24 program associated with the academic medical
25 centers of the University of South Alabama or the
26 Board of Trustees of the University of Alabama.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT

4
5 Relating to immunity from civil liability; to
6 provide that a graduate of medical school shall not be civilly
7 liable to any person for damages as a result of any action
8 taken or recommendation made within the scope of his or her
9 function when working in a residency training program
10 associated with academic medical centers of the University of
11 South Alabama or the Board of Trustees of the University of
12 Alabama.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) It is hereby declared by the
15 Legislature that an adequate supply of licensed physicians is
16 of vital importance to assure that the citizens of this state
17 receive appropriate and adequate medical care. In order to
18 become licensed as a physician in Alabama, an individual must
19 graduate from medical school and participate in additional
20 training and education after medical school which is known as
21 residency training. A resident is any physician in a graduate
22 medical education program including interns, residents, and
23 fellows. Residency training involves classroom education and
24 supervised clinical training. The Legislature finds and
25 declares that residency training is necessary for physicians
26 to obtain advanced certification and licensure in Alabama and
27 it should be the policy of this state that the participants in

1 the residency training programs should not be civilly liable
2 to any person for damages as a result of any action taken or
3 recommendation made within the scope of his or her function
4 when working as a resident in training.

5 (b) A graduate of medical school shall not be
6 civilly liable to any person for damages as a result of any
7 action taken or recommendation made within the scope of his or
8 her function when working as a resident in training in a
9 residency training program associated with the academic
10 medical centers of the University of South Alabama or the
11 Board of Trustees of the University of Alabama.

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.